

LAW OFFICE OF
SAGHIR
111 LIVINGSTON STREET
SUITE 1110
BROOKLYN, NY 11201
TEL: 718 210 4798 FAX: 718 375 9394

UZMAH SAGHIR, ESQ.

UZMAHUK@HOTMAIL.COM

January 31, 2008

Honorable Jed S. Rakoff
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 70001

RE: **United States v. Carlos Martinez**
Docket: 07-CR-706 (JSR)

Dear Judge Rakoff,

Mr. Martinez, the defendant in the above captioned matter respectfully submits this sentencing memorandum for this Honorable Court's consideration in imposing a sentence in the case at bar on February 6, 2008.

Mr. Martinez was arrested for the instant offense on July 10, 2007. An indictment was returned by a Grand Jury on July 30, 2007 charging Mr. Martinez with distribution and possession with intent to distribute Cocaine Base in violation of 21 USC section 841(a)(1) and (b)(1)(B). At the first available opportunity on October 23, 2007 Mr. Martinez pled guilty before this Honorable Court pursuant to provisions set forth in US v. Pimentel.

The Pre-sentence Report sets forth the Guideline calculations to be applied in the instant matter as follows: base offense level of 28 as the criminal activity involved 38.3 grams of crack; reduction of 3 levels for acceptance of responsibility and timely acceptance; producing an adjusted offense level of 25, in Criminal History II. This carries a sentencing range of 63 to 78 months with a Statutory minimum mandatory of 60 months pursuant to 21 USC section 812, 841(a)(1) and 841(b)(1)(B).

The Guidelines are not mandatory and are only advisory for this Honorable Court to consider in imposing a sentence in this matter. US v. Booker, 543 U.S. 220 (2005).

Mr. Martinez has expressed his utmost remorse for having committed the instant offense. He believes that by committing this offense he has done grave injustice to himself, his family and the government of the United States.

Mr. Martinez accepted responsibility for his offense at the first available opportunity and met with the government twice to see if there is any information he can provide to the government to assist them. He did this as he felt this was the right thing to do and to take full responsibility for his actions. The government found Mr. Martinez to be truthful, however, they found that the information Mr. Martinez provided was dated and was not something the government could work with.

Mr. Martinez is a family man, he has had a common law union with his current partner for thirteen years, he is a loving father, partner and brother. He has made some wrong choices in his life and he is paying a high price for those choices. After serving his sentence Mr. Martinez will be deported back to the Dominican Republic where he will be separated from his children and his partner.

Having entered this country in 1990, Mr. Martinez has been gainfully employed at all times, and has been a pillar of support for his family both financially and emotionally. He has attended to the needs of his children. He has a seven year old daughter from a relationship out side his common law union; and without any intervention from a Family Court, he freely provides the child's mother financial support for his daughter.

Selling drugs was not what Mr. Martinez did for a living, he was a hard working man who took his responsibilities as a financial provider seriously and worked long hard hours at grocery stores to fulfill his commitments. He regrets having sold drugs.

The purpose of incarceration is two fold, the first is the punish and the second to rehabilitate. It has to be said that Mr. Martinez has completely rehabilitated himself, he took full responsibility for his action, met with the government and provided them with accurate information about the instant offense and tried to provide them with additional information. Mr. Martinez feels he is a liberated person as he has shed a load off his shoulders by accepting responsibility for his actions and meeting with the government and providing them with all the information that he knew about. it is a shame they can not do

much with that information, however, Mr. Martinez feels that he has done all that he could have done to wipe his slate clean and start over.

The first prong of incarceration is to punish, and we believe that sufficient punishment for this crime can be achieved by imposing a sentence at the bottom of the guideline range.

As Mr. Martinez; on the day of sentencing stands before this Honorable Court he is immensely remorseful for his actions and prays on the mercy of this Honorable Court in imposing a sentence in this matter. He respectfully requests that this Honorable Court impose a sentence at the bottom of the guideline range in this matter.

Thank you for your indulgence in this matter.

Respectfully submitted,

Uzma Saghir, Esq.

CC: Steve Lee, AUSA, via ECF.